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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JAMES CARL KELLY,

12 Plaintiff,

13 v.

14 NEWSOM, et al.,

15 Defendants.
16

No. 2:23-CV-2581-DMC-P

ORDER GRANTING IN FORMA PAUPERIS
STATUS AND DIRECTING PAYMENT OF
FILING FEES

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion for leave to proceed in forma
19 pauperis, ECF No. 2. Plaintiff has submitted a declaration that makes the showing required by 28
20 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, granted.

21 To: The California Department of Corrections and Rehabilitation
22 1515 S Street, Sacramento, California 95814:

23 Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action.
24 In addition to any initial partial filing fee required to be assessed, Plaintiff will be obligated to
25 make monthly payments in the amount of twenty percent of the preceding month's income
26 credited to Plaintiff's inmate trust account. The agency referenced above is required to send to
27 the Clerk of the Court the initial partial filing fee and thereafter payments from Plaintiff's inmate
28 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of

1 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 2, is
4 granted;

5 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
6 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

7 3. The director of the agency referenced above, or a designee, shall collect
8 from Plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions
9 of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment
10 to be clearly identified by the name and number assigned to this action;

11 4. Thereafter, the director of the agency referenced above, or a designee, shall
12 collect from Plaintiff's inmate trust account the balance of the filing fee by collecting monthly
13 payments from Plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the
14 preceding month's income credited to Plaintiff's inmate trust account and forwarding payments to
15 the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28
16 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full, such
17 payments to be clearly identified by the name and number assigned to this action;

18 5. The Clerk of the Court is directed to serve a copy of this order and a copy
19 of Plaintiff's signed in forma pauperis affidavit to the address shown above; and

20 6. The Clerk of the Court is further directed to serve a copy of this order on
21 the Financial Department of the Court.

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23 Dated: December 5, 2023



24 DENNIS M. COTA
25 UNITED STATES MAGISTRATE JUDGE
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